

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

ERVIN BRADLEY, et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:04cv538-HTW-JCS

FRITO-LAY, INC.

DEFENDANT

ORDER

This cause is before the court *sua sponte* for severance of the individual claims. It is hereby ordered as follows:

1. The Clerk is directed to sever this action ("the original case") into nineteen separate cases ("the new cases"), one for each plaintiff.
2. A new civil action number is to be assigned to each of the new cases. All of the new cases shall be assigned to the district judge and magistrate to which the original case was assigned.
3. The Clerk shall file the following documents in each new case: A copy of this order, the initiating document from the original case, a copy of the docket sheet in the original case, and a copy of each filing in the original case through the date of the most recent filing preceding this order. Each of the previous filings in the original case will be deemed filed in the new cases as of the dates shown on the docket sheet of the original case.
2. The original case, civil action no. 3:04cv538-HTW-JCS, shall be closed.
3. All pending motions in the original case are hereby terminated. The parties are directed to refile in the new cases within ten days of this order any motion to be

considered in the new cases. Briefs, responses and replies in connection with any such motion need not be refiled by the parties. Notwithstanding the termination and refiling of any motion, any such motion, shall, for purposes of scheduling, response times, and any other deadlines, be deemed to have been filed as of the dates shown on the docket sheet of the original case.

4. A separate filing fee in the amount of \$250 shall be due and payable within thirty days of this order for each new case except *Ervin Bradley v. Frito-Lay, Inc.*, for which the plaintiffs will be given credit for the filing fee previously paid.

So ordered this the 19th day of December, 2005.

/s/ James C. Sumner

---

UNITED STATES MAGISTRATE JUDGE